



## **CITY OF HAYWARD**

### **STAFF REPORT**

AGENDA DATE 05/28/03

AGENDA ITEM 3

**TO:** Route 238 Working Group

**FROM:** Director of Public Works

**SUBJECT:** SB 509 and LATIP Information

At the April 23 Working Group meeting, the Local Alternative Transportation Improvement Program (LATIP) process was discussed, particularly in relation to SB 509, which would permit local agencies to submit a revised LATIP, since the statutory deadline for submittal of an LATIP had expired. Mr. Lewis questioned the presumption that a revised LATIP would be required, based on his understanding of Sections 14528.7 and 14528.8 of the Government Code.

#### Background

Existing State law authorizes a city or county in which a planned state transportation facility was to be located on State Highway Route 238 to develop and file with the California Transportation Commission (CTC) a LATIP to resolve local transportation problems resulting from the infeasibility of the planned state transportation facility. Existing law prohibits the commission from approving a LATIP submitted to the commission after January 1, 1988. Senator Figueroa has introduced SB 509 which deletes this deadline.

The LATIP process was intended to allow proceeds from the sale of right-of-way not needed for the 238 Bypass project to be used for the locally funded project. However, in order for the surplus right-of-way funds to be used for the Route 238 Corridor Improvement Project, a revised LATIP would need to be submitted to the California Transportation Commission so that these funds can be programmed in the State Transportation Improvement Program (STIP) for this purpose.

#### Analysis

There are several sections of the Government Code (GC) that apply to the LATIP process. For example, section 14528.7 provides for a city or county, jointly with the regional transportation-planning agency, to "submit" a LATIP. That is, a city or county may adopt a resolution requesting the rescission of a state highway route location within the city or county, as the case may be. Additionally, the city or county, acting jointly with the transportation-planning agency, may submit an alternative state highway project proposal with the resolution. If the commission concurs in the resolution, the route location shall be rescinded, and the department shall proceed with the sale of excess real properties that were acquired for the rescinded route location.

The other GC sections notwithstanding, the major governing factor over State Highway 238 is section 14528.5. Part (d) of this section permits the CTC to approve a LATIP for State Highway 238, part (e) permits sale of the excess right-of-way and part (g) contains the statutory deadline of January 1, 1988 authorizing CTC approval of the LATIP for this facility. Although the other

sections authorize a submittal, the CTC has no authority to approve the LATIP under section 14528.5(g) of existing law. However, SB 509 removes this deadline.

If SB 509 is approved, the January 1, 1988 deadline for CTC adoption of the LATIP for State Highway 238 will be removed. In addition, SB 509 will post date the enactment of GC section 14529, which sets forth the conditions for the incorporation of projects into the State Transportation Improvement Program (STIP). Without SB 509, the CTC is limited to projects submitted pursuant to GC sections 14526 and 14527, which mandate the timelines and process for submittal and approval of STIP projects (April 1 of even-numbered years). SB 509 will provide for more flexibility within this process and time frame, which will permit the CTC to incorporate the LATIP process with the STIP process.

In summary, the existing LATIP is the Hayward Bypass. However, if SB 509 passes, the LATIP could become the Route 238 Corridor Improvement Project if it is submitted to and subsequently approved by the CTC. Under such conditions the surplus right-of-way for the Route 238 Bypass could then be sold, thereby creating an opportunity to pursue such funds for the Route 238 Corridor Improvement Project. SB 509 is, then a critical step in assuring that a significant funding source for the Route 238 Corridor Improvement Project is not lost.

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